

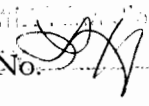
UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN - SOUTHERN DIVISION

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WESTERN DISTRICT MICH

ZEELAND COMMUNITY HOSPITAL,
a Michigan non-profit corporation,

Plaintiff,

1:06 CV 0775

United States District Court Case No. 

v.

ASSURITY LIFE INSURANCE COMPANY,
a Nebraska corporation, and GROUP MARKETING
SERVICES, INC., a Michigan corporation,

Defendants.

Lower Court:

Ottawa County Case No. 06-56415-CK

Gordon J. Quist
U.S. District Judge

William W. Jack, Jr. (P23403)
SMITH HAUGHEY RICE & ROEGGE
Attorneys for Plaintiff
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Michael R. Shpiece (P37321)
MILLER, SHPIECE & TISCHLER, P.C.
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NOTICE OF REMOVAL

Defendants, by filing this Notice of Removal, remove this action from the 20th Circuit Court to the United States District Court for the Western District of Michigan, Southern Division. In support of its Removal, Defendants state:

1. Zeeland Community Hospital ("Zeeland") filed this action in the 20th Circuit Court on September 18, 2006. The Summons and Complaint was served on Assurity on September 29, 2006. It has not yet been served on GMS. A copy of that Summons and Complaint is attached.

2. The Complaint seeks payment of benefits from a plan (the "Plan") allegedly covering Plaintiff's patient. This Plan is governed by the Employee Retirement Income Security Act of 1974 ("ERISA"). The essence of Plaintiff's action is to collect benefits from the Plan.

3. Plan benefits were provided through a health insurance policy (the "Policy") issued by Assurity.

4. Claims which seek benefits from an employee benefit plan are subject to and preempted by ERISA. Ft Halifax Packing Company v Coyne, 482 U.S. 1, 11 (1987); Pilot Life Ins Co v Dedeaux, 481 U.S. 41 (1987).

5. Therefore, this action arises under ERISA and is removable. Id. and Metropolitan Life Insurance Company v Taylor, 481 U.S. 58 (1987).

6. This Court has original jurisdiction under 28 U.S.C. 1331 and because this is an action under ERISA.

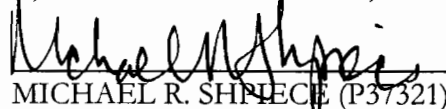
7. This Notice is filed in a timely and proper manner inasmuch as this Notice of Removal is filed within thirty (30) days of service thereof pursuant to 28 U.S.C. 1446(b).

8. Defendants have filed a copy of this Notice with the 20th Circuit Court, as required by 28 U.S.C. 1446(d).

9. By reason of the above, Defendants are entitled to remove this action to the Court under 28 U.S.C. 1441.

MILLER, SHPIECE & TISCHLER, P.C.

By:



MICHAEL R. SHPIECE (P37321)

Attorneys for Plaintiff

26711 Northwestern Highway, Ste. 200

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Dated: October 25, 2006

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